IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 8 of 2005

GANPAT SINGH
V/S
VINOD KUMAR & ORS

Mr. SK SANKHALA, for the appellant / petitioner

Date of Order : 10.1.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant, and perused the impugned award. The only contention raised is, that the compensation awarded is inadequate.

I have considered the submission, and have gone through the findings, recorded by the learned trial Court on issue no.3 perhaps issue no.2, at page 17 onwards of the award.

I find that the learned Tribunal has awarded Rs.16,924/-, being for medical expenses, and a sum of Rs.54,000/-, being amount incurred in transportation of the appellant from place to place, then has awarded complete wages for the total period of 39 months during which, he was unable to carry on his work, computing his income at Rs.1200/- per month.

It is contended by learned counsel that the appellant was earning Rs.2500/- per month, which has not been accepted by the learned Tribunal. Suffice it to say, that the learned Tribunal has found, that the appellant himself has admitted, that before accident, he was employed with Arab Road Lines, where he was getting either hundred rupees per month, which was subsequently increased. Likewise, in Ex.A.2, the previous statement given by Ganpat Singh himself, he had admitted that he was getting a salary of Rs.1200/- per month. This witness was duly confronted with this statement, Ex.A.2.

Thus, the learned Tribunal has practically believed the claimant's version, as previously given, being Ex.A.2, on the aspect of his income. Thus, this finding cannot be said to be wrong. Then the learned Tribunal has awarded a compensation of Rs.1,25,000/- for permanent disablement, though finding, that even now, the appellant is working, and getting wages of Rs.50-60/- per day. Likewise, a sum of Rs.50,000/- has been awarded for mental pain and agony suffered during treatment.

In the totality of circumstances, I do not find the amount, assessed, and awarded, to be so shockingly low, as may require interference in appeal.

The appeal thus, has no force, and is hereby dismissed summarily.

tarun (N P GUPTA),J.